

REMARKS

The Advisory Action of July 12, 2006, has been considered by the Applicants. Claims 1 and 20 have been amended. Claims 1-3, 6-18, 20-27, 30, and 31 remain pending. Reconsideration of the Application is requested.

In the Advisory Action, the Examiner indicated that the rejections based on 35 U.S.C. 11, first and second paragraphs, were withdrawn in response to the amendments of May 25, 2006. However, the Examiner maintained the rejections based on 35 U.S.C. 103(a) and the combinations of:

1. Tokutake (2003/0087171), Mori (5,567,557), and Diamond; or
2. Tokutake, Mori, and Yuh (6,261,729).

The Examiner stated that Tokutake reasonably suggests an antioxidant in one charge transport layer (the second) and no antioxidant in the other charge transport layer. Applicants traverse these rejections.

Applicants have amended claim 1 to recite that the second charge transport layer "consists of" only the binder, charge transport compound, and the hindered phenol. Support for this amendment can be found in ¶ [0014] and in Examples II-IV of the specification. Claim 20 has also been amended to make clear that the aryl amine is the charge transport compound recited in claim 1.

Tokutake specifically recites the presence of fluorine resin particles in his second charge transport layer. He therefore provides no motivation to exclude them. MPEP § 2143.01. He also does not meet all claim limitations of the instant amended claims. MPEP § 2143.03. Mori, Yuh, and Diamond do not remedy this deficiency.

For this reason, Applicants request withdrawal of the 103(a) rejections.

CONCLUSION

Applicants submit the pending claims (1-3, 6-18, 20-27, 30, and 31) are in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Richard M. Klein, at telephone number 216-861-5582, Cleveland, OH.

It is believed that no fee is due in conjunction with this response. If, however, it is determined that fees are due, authorization is hereby given for deduction of those fees, other than the issue fees, from Deposit Account No. 24-0037.

Respectfully submitted,
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